

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

**IN RE: ETHICON, INC., PELVIC PAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

(SEE ATTACHED SCHEDULE)

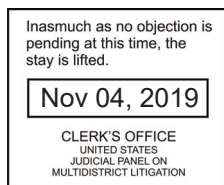
CONDITIONAL REMAND ORDER

The transferee court in this litigation has advised the Panel that coordinated or consolidated pretrial proceedings in the action(s) on this conditional remand order have been completed and that remand to the transferor court(s), as provided in 28 U.S.C. § 1407(a), is appropriate.

IT IS THEREFORE ORDERED that the action(s) on this conditional remand order be remanded to its/their respective transferor court(s).

IT IS ALSO ORDERED that, pursuant to Rule 10.2 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the transmittal of this order to the transferee clerk for filing shall be stayed 7 days from the date of this order. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel. This order does not become effective until it is filed in the office of the Clerk for the United States District Court for the Southern District of West Virginia.

IT IS FURTHER ORDERED that, pursuant to Rule 10.4(a), the parties shall furnish the Clerk for the Southern District of West Virginia with a stipulation or designation of the contents of the record to be remanded.



FOR THE PANEL:



John W. Nichols
Clerk of the Panel

**IN RE: ETHICON, INC., PELVIC REPAIR
SYSTEM PRODUCTS LIABILITY LITIGATION**

MDL No. 2327

SCHEDULE FOR CRO

TRANSFeree			TRANSFEROR			<u>CASE CAPTION</u>
<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	<u>DIST</u>	<u>DIV.</u>	<u>C.A.NO.</u>	
WVS	2	13-14388	CAC	5	13-00345	Cooper et al v. Siddighi et al
WVS	2	13-14106	GAM	5	13-00045	Sitten et al v. W. L. Gore & Associates, Inc.
WVS	2	13-02511	INN	3	12-00369	George v. Johnson & Johnson et al
WVS	2	12-01790	KYE	5	12-00153	Cutter et al v. Ethicon, Inc. et al
WVS	2	13-12710	KYW	3	13-00467	Golden v. Ethicon, Inc. et al
WVS	2	15-11999	MD	8	15-01188	Sullivan v. Calvert Memorial Hospital et al
WVS	2	14-15434	NH	1	14-00149	Selleck v. Atrium Medical Corporation
WVS	2	14-17995	TXS	2	14-00178	Trevino et al v. Vega et al

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327
CHIEF JUDGE JOHNSTON

THIS DOCUMENT RELATES TO CASES
IDENTIFIED ON EXHIBIT A

**ORDER AND SUGGESTION OF REMAND
FOR CASES ON EXHIBIT A**

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the Court suggests that the actions on Exhibit A be remanded to the United States District Courts from which they came as identified on Exhibit A. The individual cases on Exhibit A were transferred by the Judicial Panel on Multidistrict Litigation (“JPML”) and are related to MDL 2327 (“Ethicon MDL”), 2:12-md-2327, one of seven MDLs assigned to Judge Joseph R. Goodwin by the JPML. The seven MDLs combined totaled over 100,000 cases since inception.

During the pendency of this MDL litigation, Judge Goodwin developed a conflict in certain cases assigned to him, including those on Exhibit A. As a result, the JPML reassigned the cases on Exhibit A to me. Of the approximately 183 cases assigned to me, 39 remain. Of the remaining 39 cases, 3 are listed on Exhibit A and are ready to be remanded to the appropriate jurisdiction. In particular, the time to conduct discovery is complete in the cases on Exhibit A, and the parties have had time to file dispositive and *Daubert* motions, responses and replies. For the convenience of the parties and in order to promote the final resolution of these cases, it appears to the court that

the cases would be more expeditiously concluded in the District Court from which they came.

Upon remand, I urge the receiving court to immediately set these cases for trial without reopening discovery.

On or before **October 29, 2019 (7 days from the date of this order)**, the parties are **ORDERED** to confer and to file *in the individual cases on Exhibit A*, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (*i.e.* ECF 96 – Defendant’s Motion for Summary Judgment).

The Court **ORDERS** that upon receipt and filing of an order to remand from the Clerk of the JPML (hereinafter the “Transfer Date”), the Clerk of this Court, pursuant to 28 U.S.C. § 1407, shall remand the cases on Exhibit A to the appropriate District Courts. If the cases on Exhibit A remain pending on the Transfer Date, they must be remanded, and the parties shall bear the consequences in the receiving court of any failure to prepare an appropriate record as directed in this order. The parties and the receiving court are advised that all Pretrial Orders entered in this matter are available for review on the Court’s website at www.wvsc.uscourts.gov/MDL/2327/orders.html and the master docket sheet can be found on this Court’s CM/ECF at 2:12-md-2327. *Finally, the Court advises the parties that while the docket of the individual cases will be remanded to the receiving court, it is the parties’ responsibility to*

follow the receiving court's procedure for identifying any individual motions that remain pending and in need of ruling.

On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract the member cases listed on Exhibit A that remain pending and remand each member case to the appropriate District Court listed on Exhibit A. After remand of the cases on Exhibit A, the Clerk is **DIRECTED** to formally close the cases and strike it from the docket of this court.

IT IS SO ORDERED.

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand and Exhibit A be filed in every case listed on Exhibit A and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party for the cases listed on Exhibit A.

ENTER: October 22, 2019



THOMAS E. JOHNSTON, CHIEF JUDGE

EXHIBIT A

	Civil Action No.	Case Style	Transfer Court
1	2:13-cv-02511	George v. Johnson & Johnson et al	Indiana, Northern District
2	2:12-cv-01790	Cutter et al v. Ethicon, Inc. et al	Kentucky, Eastern District
3	2:13-cv-12710	Golden v. Ethicon, Inc. et al	Kentucky, Western District

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

IN RE: ETHICON, INC.
PELVIC REPAIR SYSTEMS
PRODUCTS LIABILITY LITIGATION

MDL 2327

THIS DOCUMENT RELATES TO CASES
IDENTIFIED ON EXHIBIT A

**ORDER AND SUGGESTION OF REMAND
FOR CASES ON EXHIBIT A**

Pursuant to 28 U.S.C. § 1407 and the Rules for Multidistrict Litigation promulgated thereunder, specifically Rule 10.1(b), the court suggests that the actions on Exhibit A be remanded to the United States District Courts from which they came as identified on Exhibit A. The individual cases on Exhibit A were transferred by the Judicial Panel on Multidistrict Litigation (“JPML”) and are related to MDL 2327 (“Ethicon MDL”), 2:12-md-2327, one of seven MDLs assigned to me by the JPML. The seven MDLs combined totaled over 100,000 cases since inception. Of the approximately 39,616 cases originally filed in or transferred to the Ethicon MDL, 1,474 remain. Of the remaining 1,474 cases, 5 are listed on Exhibit A and are ready to be transferred to the appropriate jurisdiction. In particular, no MDL defendants remain in these cases. Moreover, the time to conduct discovery is complete in the cases on Exhibit A. For the convenience of the parties and in order to promote the final resolution of these cases, it appears to the court that the cases would be more expeditiously concluded in the District Court from which they came. *Upon remand, I urge the receiving court to immediately set these cases for trial without reopening discovery.*

On or before **October 29, 2019 (7 days from the date of this order)**, the parties are **ORDERED** to confer and to file *in the individual cases on Exhibit A*, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider. When filing the documents from the main MDL, the parties are directed to use the CM/ECF event entitled “Designation of Record for MDL Transfers” (available under Civil > Other Filings > Other Documents). When completing the event, the “Main Document” should be the list of joint designations from the main MDL, and the “Attachments” should be each individual document on the joint designation list with the “Description” being the ECF number and a brief description of the document (i.e. ECF 96 – Defendant’s Motion for Summary Judgment).

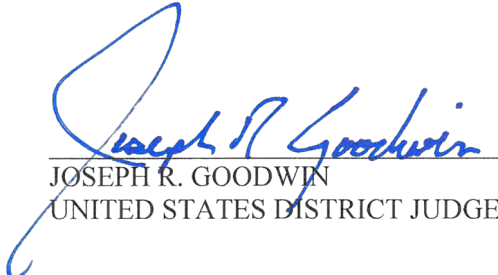
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On the Transfer Date, the Clerk is hereby **DIRECTED** to use the appropriate function in CM/ECF to extract the member cases listed on Exhibit A that remain pending and remand each

member case to the appropriate District Court listed on Exhibit A. After remand of the cases on Exhibit A, the Clerk is **DIRECTED** to formally close the cases and strike it from the docket of this court.

The court further **DIRECTS** that a copy of this Order and Suggestion of Remand and Exhibit A be filed in every case listed on Exhibit A and sent to the Clerk of the MDL Panel and counsel of record or any unrepresented party for the cases listed on Exhibit A.

ENTER: October 22, 2019



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE

Exhibit A

<u>Case Name</u>	<u>Case Number</u>	<u>Remand Jurisdiction</u>
Sitten	2:13-cv-14106	Middle District of Georgia
Selleck	2:14-cv-15434	District of New Hampshire
Trevino	2:14-cv-17995	Southern District of Texas
Sullivan	2:15-cv-11999	District of Maryland
Cooper	2:13-cv-14388	Central District of California

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 11/4/2019 at 9:42 AM EST and filed on 11/4/2019

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: No document attached

Docket Text:

*****TEXT ONLY ENTRY*****

MINUTE ORDER - TO INVOLVED CLERKS - Conditional Remand Order Finalized on 11/4/19. Please see pleading (6 in CAC/5:13-cv-00345, 28 in GAM/5:13-cv-00045, 10 in INN/3:12-cv-00369, 11 in KYE/5:12-cv-00153, 9 in KYW/3:13-cv-00467, 19 in MD/8:15-cv-01188, [3635] in MDL No. 2327, 8 in NH/1:14-cv-00149, 8 in TXS/2:14-cv-00178).

A copy of the transferee court's Suggestion of Remand from the transferee court is attached to the Conditional Remand Order.

As stipulated in Rule 10.2(b) of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, transmittal of the order has been stayed 7 days to give any party an opportunity to oppose the remand. The 7-day period has now elapsed, no opposition was received, and the order is directed to you for filing.

The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.

Signed by Clerk of the Panel John W. Nichols on 11/4/2019.

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: George v. Johnson & Johnson et al

Case Number: [INN/3:12-cv-00369](#)

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Document Number: No document attached

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Case Name: Cutter et al v. Ethicon, Inc. et al

Case Number: [KYE/5:12-cv-00153](#)

Filer:

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Case Name: Golden v. Ethicon, Inc. et al

Case Number: [KYW/3:13-cv-00467](#)

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TXS/2:14-cv-00178 (LAH)

Case Name: Sitten et al v. W. L. Gore & Associates, Inc.

Case Number: [GAM/5:13-cv-00045](#)

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Case Name: Sullivan v. Calvert Memorial Hospital et al

Case Number: [MD/8:15-cv-01188](#)

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Case Name: Cooper et al v. Siddighi et al

Case Number: [CAC/5:13-cv-00345](#)

Filer:

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Case Name: Selleck v. Atrium Medical Corporation

Case Number: [NH/1:14-cv-00149](#)

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Case Name: Trevino et al v. Vega et al

Case Number: [TXS/2:14-cv-00178](#)

Filer:

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Docket Text:

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The order was entered pursuant to 28 U.S.C. 1407(a) which provides that each action so transferred by the Panel shall be remanded by the Panel at or before the conclusion of such pretrial proceedings to the district from which it was transferred. Parties are to furnish S.D. West Virginia with a stipulation or designation of the contents of the record to be remanded and all necessary copies of any pleading or other matter filed to comply with the remand order.

Signed by Clerk of the Panel John W. Nichols on 11/4/2019.

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

No public notice (electronic or otherwise) sent because the entry is private

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United States

United States Judicial Panel on Multidistrict Litigation

Notice of Electronic Filing

The following transaction was entered on 11/4/2019 at 9:33 AM EST and filed on 11/4/2019

Case Name: IN RE: Ethicon, Inc., Pelvic Repair System Products Liability Litigation

Case Number: [MDL No. 2327](#)

Filer:

Document Number: [3635](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

Signed by Clerk of the Panel John W. Nichols on 11/4/2019.

(Attachments: # (1) Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: George v. Johnson & Johnson et al

Case Number: [INN/3:12-cv-00369](#)

Filer:

Document Number: [10](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Cutter et al v. Ethicon, Inc. et al

Case Number: [KYE/5:12-cv-00153](#)

Filer:

Document Number: [11](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Golden v. Ethicon, Inc. et al

Case Number: [KYW/3:13-cv-00467](#)

Filer:

Document Number: [9](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Sitten et al v. W. L. Gore & Associates, Inc.
Case Number: [GAM/5:13-cv-00045](#)
Filer:
Document Number: [28](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Sullivan v. Calvert Memorial Hospital et al
Case Number: [MD/8:15-cv-01188](#)
Filer:
Document Number: [19](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Cooper et al v. Siddighi et al
Case Number: [CAC/5:13-cv-00345](#)
Filer:
Document Number: [6](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in

GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Selleck v. Atrium Medical Corporation

Case Number: [NH/1:14-cv-00149](#)

Filer:

Document Number: [8](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

Associated Cases: MDL No. 2327, CAC/5:13-cv-00345, GAM/5:13-cv-00045, INN/3:12-cv-00369, KYE/5:12-cv-00153, KYW/3:13-cv-00467, MD/8:15-cv-01188, NH/1:14-cv-00149, TXS/2:14-cv-00178 (LAH)

Case Name: Trevino et al v. Vega et al

Case Number: [TXS/2:14-cv-00178](#)

Filer:

Document Number: [8](#)

Docket Text:

CONDITIONAL REMAND ORDER FINALIZED (re: pldg. (4 in CAC/5:13-cv-00345, 26 in GAM/5:13-cv-00045, 8 in INN/3:12-cv-00369, 9 in KYE/5:12-cv-00153, 7 in KYW/3:13-cv-00467, 17 in MD/8:15-cv-01188, [3633] in MDL No. 2327, 6 in NH/1:14-cv-00149, 6 in TXS/2:14-cv-00178)) - 8 action(s) - Inasmuch as no objection is pending at this time, the stay is lifted.

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(Attachments: # [1] Suggestion of Remands)

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CAC/5:13-cv-00345 Notice will not be electronically mailed to:

NH/1:14-cv-00149 Notice has been electronically mailed to:

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NH/1:14-cv-00149 Notice will not be electronically mailed to:

TXS/2:14-cv-00178 Notice has been electronically mailed to:

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Document description:Main Document

Original filename:n/a

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[STAMP JPMLStamp_ID=1090522767 [Date=11/4/2019] [FileNumber=949344-0]

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014560c2c7e356677d83b30692aa0ac9b3f09e3c4a01382158bd1913c27]]

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